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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

July 11, 2008

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 030D-292

OA HU

Acquisition of Private Lands and Set Aside to Department of Education for Educational Purposes, and Issuance of a Management and Construction Right of Entry Permit to Department of Education, Honouliuli, Ewa, Island of Oahu, City and County of Honolulu, Tax Map Key: (1) 9-1-069:027.

APPLICANT AGENCY:

Department of Education

PRIVATE LANDOWNER:

Gentry Homes, Ltd., a domestic profit corporation whose business and mailing address is P.O. Box 295, Honolulu, HI 96809.

LEGAL REFERENCE:

Sections 107-10, 171-11, 171-30, and 302A-1601, Hawaii Revised Statutes, as amended.

LOCATION:

Privately-owned lands of Gentry Ewa Makai situated at Honouliuli, Ewa, City and County of Honolulu, Island of Oahu, identified by Tax Map Key: (1) 9-1-069:027, as shown on the attached map labeled Exhibit A.

AREA:

18.670 acres, more or less.

ZONING:

State Land Use District: Urban
City & County of Honolulu CZO: Residential, multi-family

CURRENT USE:

Vacant and unimproved with various access and utility easements.

CONSIDERATION:

None. Private landowner is donating the subject lands at no cost to the State.

PURPOSE:

For educational purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Pursuant to Section 343-5(a)(1), HRS, an environmental assessment (EA) is not required where State or county funds are being used for the acquisition of unimproved real property. As the subject lands are unimproved, an EA is not required. However, inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Process and obtain subdivision approval at Applicant's own cost;
- 2) Provide survey maps and descriptions for the privately-owned property according to State DAGS standards and at Applicant's own cost;
- 3) Obtain a title report for the privately-owned property at Applicant's own cost and subject to review and approval by the Department;
- 4) Pay for and conduct a Phase I environmental site assessment and, if this Phase I identifies the potential for hazardous materials release or the presence of hazardous materials, conduct a Phase II environmental sampling and analysis plan and perform any and all remediation, abatement and disposal as may be warranted and as satisfactory to the standards required by the Federal Environmental Protection Agency and/or the State Department of Health, all at no cost to the State and to the satisfaction of the Department.

REMARKS:

An Education Contribution Agreement ("Agreement") was executed on July 23, 2003, between Gentry Homes, Ltd. ("Gentry") and the Department of Education ("DOE") for a school site in Gentry Ewa Makai, a 283-acre private residential development in Honouliuli, Ewa, on the Island of Oahu. In the Agreement, based on a total of 1,865 residential units, Gentry dedicated 18 acres of land, more or less, to the State of Hawaii as an educational contribution to satisfy the DOE's fair-share requirement for

school development to serve the planned Gentry Ewa Makai residential project.

The Agreement limits use of the designated school site for public school and ancillary school recreational uses. The DOE intends to build a middle school campus and anticipates construction to start in the Spring of 2009 with school opening slated for the 2011-2012 school year.

This capital improvement project was approved by the Board of Education at its meetings of October 6, 2005 and October 5, 2006. Funding for design and construction of the new middle school was appropriated by the Hawaii State Legislature through Act 160, SLH 2006 (\$3,787,000); Act 213, SLH 2007 (\$66,883,000); and Act 158, SLH 2008 (\$800,000).

Comments were solicited from the following State agencies: Department of Hawaiian Home Lands, Department of Transportation Highways Division, and Office of Hawaiian Affairs; and agencies of the City & County of Honolulu: Department of Planning, Department of Environmental Services, and the Board of Water Supply. None had any comments or objections regarding the proposed school site.

RECOMMENDATION:

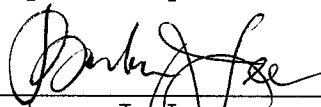
Subject to the applicant satisfactorily fulfilling all of the conditions listed above, that the Board:

1. Authorize the acquisition of the subject private lands under the terms and conditions cited above which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current deed document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General;
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the Department of Education under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current

executive order form, as may be amended from time to time;


- B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the issuance of an immediate management and construction right-of-entry permit to the Department of Education covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
- A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State

Respectfully Submitted,



Barbara J. Lee
Project Development Specialist

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson

Map of subject property, TMK (1) 9-1-069:027

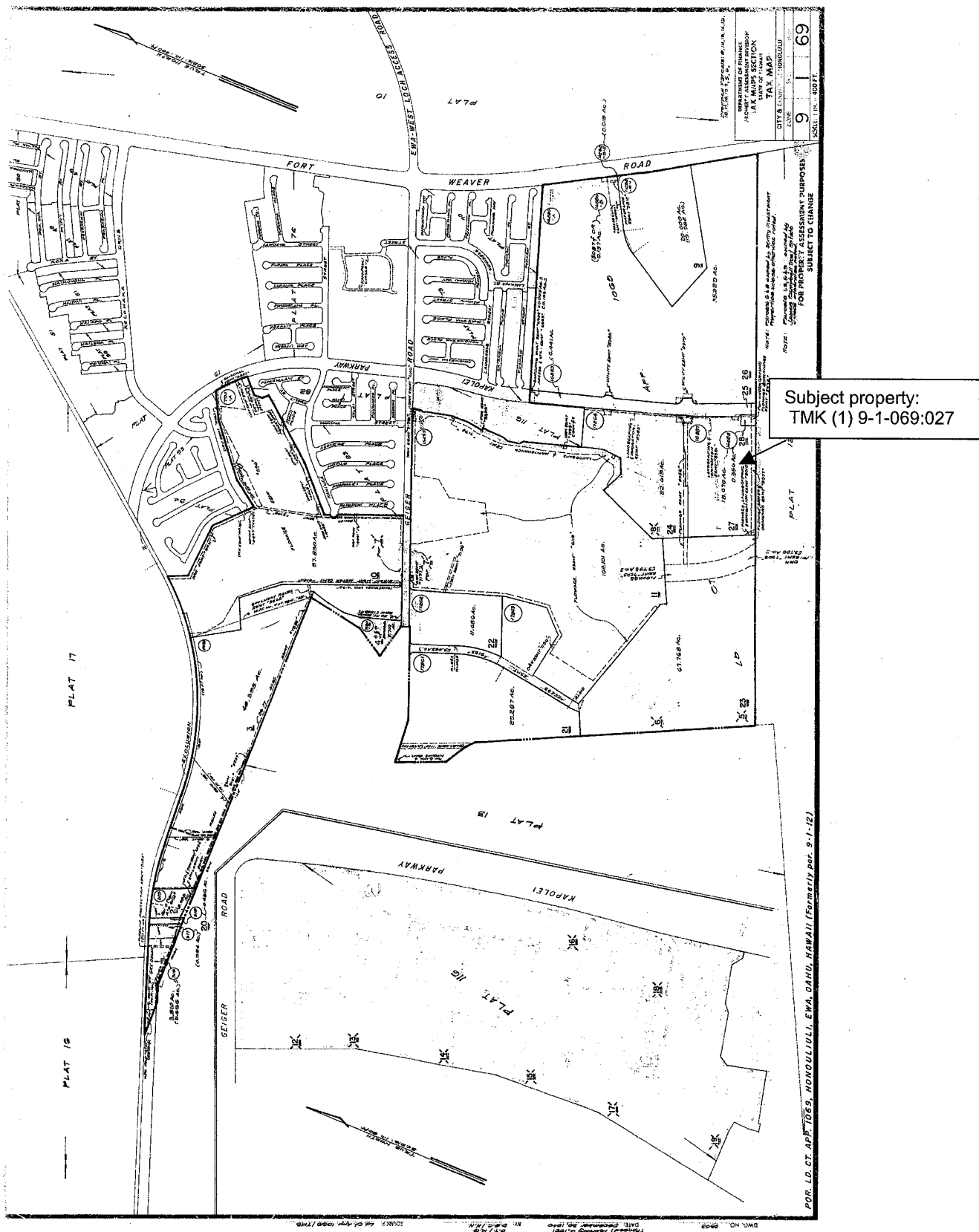


EXHIBIT "A"